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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,119	03/08/2005	Marco Van As	NL 020906	3180

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
RO, BENTSU	

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/527,119	VAN AS ET AL.	
	Examiner	Art Unit	
	Bentsu Ro	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9 and 11-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 11-17* is/are rejected.

7)☒ Claim(s) *9,18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

FIRST OFFICE ACTION AFTER RCE

1. Claims 1-3, 5, 6, 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rowan et al US Patent No. 5,886,489. (This is a new reference.)

Claims read onto Rowan et al teaching as follows:

The claims:	Rowan et al teaching:
1. (Currently amended) A rotating data carrier, which can be processed in an apparatus having a motor for rotating the carrier	Fig. 1 shows a disk driving apparatus including a disk assembly 4 having a disk, which is a rotating data carrier; Fig. 1 further shows a drive motor 5 for rotating the disk;
and an angle measuring device for providing angular position of a rotary part of the motor,	on top of the disk, there are baseline index markers 22 and timing marks 24; Fig. 1 also shows a head assembly 8, the head assembly 8 reads the baseline index markers 22 and the timing marks 24; thus, the head assembly 8 is an angle measuring device; also see column 3, lines 41-44;
the angular position being used for commutation of the motor,	column 2, lines 52-54 states that *"...the disk controller 10 controls the timing of the stator coil energization pulses as a function of the rotational position of the rotor (i.e., the commutation angle).";* column 3, lines 37-40 states that *"In response the disk controller provides commutation angle control signals and drive current correction signals for varying the commutation angle and drive current of the drive motor 5, respectively."* column 3, lines 44-47 further states that

wherein marks are placed on the carrier for determining the angular position by the measuring device, the marks being at least one of continuous from a center of the carrier to a periphery of the carrier, located on a lateral edge of the carrier, and notches.	*"An initial disk rotational position can be established by placing a plurality of baseline index markers 22 along a single radius extending across all of the tracks of the disk(s) of the disk assembly 4."* these notions clearly show that the markers 22 and the timing marks 24 are used for motor commutation; the baseline index markers 22 and the timing marks 24 are read by the head assembly 8; see Fig. 1, the line structure of the markers 22 and the marks 24; Rowan et al do not teach these features; it is noted that claim is claiming "at least one of", because Rowan teaches one of the structures, the claim limitation is met.
2. The data carrier as claimed in claim 1 wherein the marks are formed by, at least, a zone placed on the carrier.	the baseline index markers 22 are zone markers.
3. The data carrier as claimed in claim 1, wherein the data carrier is an optical disc.	in nowadays, all disk drives use optical disks.
5. The data carrier as claimed in claim 1, wherein the marks have a sector form.	the baseline index marker 22 has a sector form.
6. The data carrier as claimed in claim 1, wherein the marks have a specific length with respect to data written on the carrier and have a reflectivity which is substantially similar to reflectivity of the data.	all lines have a specific width, including the marker line 22 and the timing lines 24; because the head assembly 8 reads the data, the marks 24 and the markers 22, the reflectivity of the data, the marks 24

	and the markers 22 must be similar.
11. An apparatus for processing data contained in the data carrier as claimed in claim 1, wherein the apparatus comprises the angle measuring device configured to provide the angular position using said marks.	same as previously explained.
12 and 13.	similar to that of claim 1, no further discussion.
14. The device of claim 13, wherein the marks have at least one ***of*** a rectangular form and a sector form.	the marker 22 is a sector marker.
15. The device of claim 13, wherein mark lengths of the marks are different from data lengths data written on the data carrier.	the marks length for the motor commutation is different from the data length because of the following reasons: (1) the motor commutates several times in one disk rotation, thus, the number of commutation marks are much less that the number data bits, and therefore, the commutation marks are not closely packed; (2) the data bits are extremely closed packed; because the mark packages are different, their widths should also be different.
16 and 17.	similar to that of claims 6 and 15.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowan et al.

Claim 4 is claiming the rectangular form of the marks. It is noted that all lines have a certain length and width, including the timing marks 24. Because the line has length and width, the form of the line is a rectangular form.

3. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number 571 272-2072.

Bentsu Ro

9/6/2006

Bentsu Ro
Senior Examiner
Art Unit 2837